

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | |
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| Jean-Louis H. GUERET |) | |
| |) | |
| Application No.: 10/538,017 |) | Group Art Unit: 1616 |
| |) | |
| Filed: June 16, 2006 |) | Examiner: Danielle D. Sullivan |
| |) | |
| For: MAKE-UP PROCESSES AND |) | Confirmation No.: 8808 |
| PROCESSES FOR APPLICATION |) | |
| OF A SKIN CARE PRODUCT, AND |) | |
| DEVICES USED IN THE |) | |
| IMPLEMENTATION OF SUCH |) | |
| PROCESSES |) | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA EFS-WEB

Sir:

TERMINAL DISCLAIMER

Assignee, L'Oréal S.A., duly organized under the laws of France and having its principal place of business at 14, Rue Royale, 75008 Paris, FRANCE, represents that it is the assignee of the entire right, title, and interest in and to the above-identified application, U.S. Application No. 10/538,017, filed June 16, 2006, for MAKE-UP PROCESSES AND PROCESSES FOR APPLICATION OF A SKIN CARE PRODUCT, AND DEVICES USED IN THE IMPLEMENTATION OF SUCH PROCESSES, in the name of Jean-Louis H. GUERET, as indicated by an Assignment duly recorded in the United States Patent and Trademark Office at Reel 018022, Frame 0714, on June 16, 2006. Assignee, L'Oréal S.A., further represents that it is the assignee of the entire right, title, and interest in and to U.S. Application No. 11/123,173, filed

May 6, 2005, as indicated by an Assignment duly recorded in the United States Patent and Trademark Office at Reel 016820, Frame 0406, on July 27, 2005.

To obviate a provisional double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent maturing from U.S. Application No. 11/123,173. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and a patent maturing from U.S. Application No. 11/123,173 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of a patent maturing from U.S. Application No. 11/123,173, as presently shortened by any terminal disclaimer, in the event that a patent maturing from U.S. Application No. 11/123,173 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated before the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule in 37 C.F.R. § 1.20(d), payment of the \$140.00 Terminal Disclaimer fee is submitted by credit card concurrently herewith through the USPTO's EFS-Web system.

If there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 23, 2009

By: /Christopher T. Kent/
Christopher T. Kent
Reg. No. 48,216